

Through Video Conferencing**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**
JABALPUR**Civil Contempt Petition No.200/24/2020**
(in OA 200/759/2014)Jabalpur, this Monday, the 12th day of October, 2020**HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER**
HON'BLE MS. NAINI JAYASEELAN, ADMINISTRATIVE MEMBERNeha Sharma, nee Bajpai, W/o Dr. Shrikant Sharma, D.O.B. 04.11.1974, R/o –
7/714, Chadraprabha Nagar, Tagore Ward, Seoni (MP) 480661**-Applicant****(By Advocate – Shri Vijay Tripathi)****V e r s u s**1. Smt. Anita Karwal, Secretary, Government of India, Ministry of Human
Resource Development, Department of School Education & Literacy, Shastri
Bhawan, New Delhi – 110001.2. Ms. Nidhi Pandey, Commissioner, Kendriya Vidyalaya Sangathan, Kendriya
Vidyalaya Sangathan (HQ), 18 Institutional Area, Shaheed Jeet Singh Marg, New
Delhi - 110016**-Respondents****(By Advocate – Shri Pankaj Dubey for respondent No.2)****O R D E R****By Ramesh Singh Thakur, JM.**

This Petition has been filed under Section 17 read with Section 27 of
the Administrative Tribunals Act, 1985 alleging non-compliance of order
dated 03.01.2020 passed by this Tribunal in Original Application
No.200/759/2014.



2. It has been submitted by the petitioner that aggrieved with the notice dated 25.08.2014 (Annexure C-2), whereby it was decided that the candidates having professional qualification of B.Ed and having passed CTET (Paper-I), who were provisionally allowed to appear in interview for the post of Primary Teacher, will not be considered for appointment in view of the clarification issued by the NCTE, the petitioner has filed Original Application No.200/759/2014 before this Tribunal. This Tribunal vide order dated 03.01.2020 (Annexure C-1), has quashed and set aside the notice dated 25.08.2014 and directed the respondents to consider the case of the petitioner for the post of Primary Teacher within 60 days from the date of receipt of the order.

2.1 It has been further submitted by the petitioner that after receiving order of this Tribunal dated 03.01.2020, the petitioner preferred a representation on 17.01.2020 (Annexure C-3), bringing notice the orders of this Tribunal to respondent No.2. However, no heed has been paid towards compliance of orders of this Tribunal. Resultantly, this Contempt Petition.

3. Reply/compliance report has been filed by respondent No.2. It has been submitted that orders of this Tribunal have been complied with on 31.01.2020. It has been further submitted that in Para 19 of the order dated



03.01.2020 (Annexure C-1), this Tribunal had directed to consider the case of appointment of the petitioner for the post of Primary Teacher. Accordingly, vide order dated 30/21.01.2020 (Annexure R/2-1), the petitioner has been informed that since she had obtained 65.17 weightage in the written test and interview, which is less than cut-off marks of 65.58 weightage, therefore, her request for selection to the post of PRT could not be acceded to. Hence the directions of this Tribunal have been followed in letter and spirit.

4. The petitioner has also filed rejoinder, wherein the petitioner has submitted that during the pendency of the OA, the respondents have not disclosed that the petitioner has not received marks which were necessary for appointment. The respondents have disclosed in the Memorandum dated 30/21.01.2020 that the petitioner has secured 65.17 weightage in the written test and interview, whereas last selected candidate from waiting list has secured 65.58 weightage. The respondents have not disclosed the marks of the last selected candidate in the written test and interview. Therefore, the memorandum dated 30/21.01.2020 is afterthought and it is just to avoid contempt proceedings.



5. Respondent No.2 has also filed additional reply, wherein it has been submitted that the claim of the petitioner is false and baseless. Member of Parliament, Balaghat (M.P.) had forwarded an application dated 10.01.2020 in respect of appointment of petitioner to the post of PRT. In response to the same, it was informed vide communication dated 4/13.02.2020 (Annexure R-7) that appointment could not be granted to the petitioner due to obtaining less marks than the last selected candidate under the reserved panel. A copy of the said communication was also marked to the petitioner. Further, the weightage of marks obtained by the candidates in the recruitment year 2012-13 and 2013-14 were displayed on the KVS website on 02.03.2017 itself and the same are still available in the archives of the website.

6. The petitioner has also filed rejoinder to the additional reply filed by respondent No.2 submitting that the document dated 04/13.02.2020 (Annexure R-7), which has been addressed to Member of Parliament, Balaghat, has been received by the petitioner first time along with the additional reply filed by respondent No.2.



7. We have considered the rival contentions put-forth by learned counsel for the parties and perused their respective pleadings and the documents annexed therewith.

8. As per our order dated 03.01.2020 (Annexure C-1), this Tribunal has directed the respondents to consider the case of the petitioner for the post of Primary Teacher within a period of 60 days. However, as per Para 18 of the order, we have clearly mentioned that the petitioner was fully eligible as per rule prevalent at that time for the post of Primary Teacher. There is clear cut finding regarding eligibility of the petitioner in Para 18 of the order. Thereafter, the petitioner had approached the respondents and has submitted the representation on 17.01.2020 (Annexure C-3) along with our order. Accordingly, the respondents have passed the order dated 30/21.01.2020, which has been annexed along with their reply. The respondent No.2 has specifically submitted in her reply that in compliance to the orders passed by this Tribunal, the respondents have considered the case of the petitioner meticulously and on sympathetic grounds as well as on comparison of the appointment carried out countrywide and after detailed consideration, the petitioner was not found eligible to be appointed on the post of Primary Teacher.



9. The contention of the learned counsel for the petitioner is that the respondents have not complied with the orders passed by this Tribunal. However, if the order passed by the respondents dated 30/21.01.2020 is seen, the respondents have considered the matter of the petitioner. The relevant paragraphs of the order read as under:



“Whereas, Smt. Neha Sharma Nee Bajpayee has obtained 65.17 weightage in the written test and interview. She has obtained 86 marks in written test and 30 marks in the interview. Her weightage of written test and interview was 65.17 (written test +50.17+interview=15.00). In UR category the last candidate who had been issued offer of appointment from main panel to the post of PRT in KVS for the year 2012-13 and 2013-14 had obtained 69.25 weightage in the written test and interview. Further the last candidate of general category who had been issued offer of appointment for the post of PRT in KVS for the year 2012-13 and 2013-14 from reserve panel, had obtained 65.58 weightage in the written test and interview.

Whereas, Smt. Neha Sharma Nee Bajpayee obtained less than 65.58 weightage in the written test and interview which is less than the aforesaid cut-off marks.

Therefore, as per the direction of the Hon’ble CAT, Jabalpur Bench Jabalpur to consider the case of Smt. Neha Sharma Nee Bajpayee for the post of Primary Teacher in KVS for the year 2012-13 and 2013-14 has been complied and case has been considered sympathetically but her request for selection to the post of PRT could not be acceded to and she is hereby informed accordingly and Order dated 03.01.2020 passed by the Hon’ble CAT, Jabalpur Bench, Jabalpur, in the OA No.200/00759/2014 is complied herewith.”

10. Respondent No.2 has further clarified the position in her additional reply and it has been specifically stated that the petitioner had secured total

65.17 weightage in the written test and interview (Written Test 50.17 + Interview 15.00 weightage), whereas the last candidate of Unreserved Category who was issued offer of appointment from the reserved panel had secured total 65.58 weightage in the written test and interview. So, we are of the affirmed view that our order has been complied with letter and spirit.

11. Resultantly, this Contempt Petition is dismissed. The respondents are discharged from the notice of contempt.



(Naini Jayaseelan)
Administrative Member
am/-

(Ramesh Singh Thakur)
Judicial Member